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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,297	09/20/2003	Tracy Scott Kent		2296

7590 10/12/2004
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EXAMINER

KLEBE, GERALD B

ART UNIT PAPER NUMBER

3618

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,297	Applicant(s) KENT ET AL.	
	Examiner Gerald B. Klebe	Art Unit 3618	<i>NW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

G B Klebe
27 Sept 2004

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> |

Continuation of Attachment(s) 6). Other: PTO Notice on Certif of Mailing./Transmission.

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

CERTIFICATE OF MAILING

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner of Patents and Trademarks, Washington, D.C. 20231" on (date).

(Typed or printed name of the person signing this certificate)

(signature)

CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)____-____ on (date).

(Typed or printed name of the person signing this certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted. For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee.

In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the **originally signed Certificate of Mailing or Transmission** statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

NOTICE TO APPLICANT: In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.

DETAILED ACTION

Abstract

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Specification - Objections

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The claims contain numerous recitations that are not provided sufficient antecedent basis in the specification. The examiner lists several examples; other examples may exist in the claims. The claims and the specification should be carefully reviewed and revised as appropriate to ensure that the claims recitations are supported in the specification including the drawings as originally filed.

Correction of the following examples is required:

Claim 1 in line 8 recites the limitation of “anterior dorsal surface” (of the fundamental body); insufficient support is provided in the specification identifying this surface of the fundamental body.

Claim 2 in lines 1-2 recites the limitation of “dorsal surface” (of the hanger); insufficient support is provided in the specification identifying this surface of the hanger.

Claim 3 in lines 4-5 recites the limitation of (two constant rate elastomer bushings) “one dorsal and one ventral”; insufficient support is be found in the specification identifying the two constant rate elastomer bushings, with one as being “dorsal” and the other as being “ventral”.

Claim 4 in line 1 recites the limitation of a “pivot pin”; insufficient support can be found in the specification identifying a structure of the skateboard wheel truck as a “pivot pin”.

Claim 4 in line 4 recites the limitation of the “posterior portion of the ventral surface of the lower” (constant rate compression elastomer bushing); insufficient support is provided in the specification identifying this portion and this surface of the bushing.

Art Unit: 3618

Claim 4 in line 9 recites the limitation “anterior surface” (of the semicircular through-hoed aperture yolk [sic]); insufficient support is provided in the specification identifying this surface.

Claim 5 in line 2 recites the limitation “ventral surface” (of the base plate); insufficient support is provided in the specification identifying this surface.

Other examples exist of recitations in the claims of limitations insufficiently supported by the specification. Applicant is required to carefully review the claims and make corrections to the claims and/or the specification ensuring that all limitations recited are clearly provided adequate antecedent basis.

Claims Objections - Informalities

3. The claims are objected-to for the following informalities:
 - a. Throughout the claims, the word “yolk” should be -- yoke --;
 - b. In claim 1 “base plate” is also rendered as “baseplate; a consistent recitation should be use throughout the claims and disclosure;
 - c. In claim 1 “center line” is preferably rendered as --centerline--;
 - d. In claims 1 and 7, the use of periods to complete a sentence within a given claim is improper; each claim must consist of only one complete sentence.

Claims Rejections - 35 USC § 112, 2nd Paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-12 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Art Unit: 3618

The claim(s) are narrative in form and replete with indefinite and functional or operational language failing to positively set forth and distinguish Applicant's invention. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. The claims contain numerous instances of indefinite and functional recitations that fail to positively set forth and distinguish Applicant's invention. The examiner lists several examples from the claims; other examples exist.

Claims 1 and 7 contain more than one sentence.

Claim 1 in line 8 recites the limitation "the anterior dorsal surface"; and further in line 18 recites the limitation "the elastomer shock absorbers"; and further in line 12 recites the limitation "the base plate"; and further in line 14 recites the limitation "the center line of the baseplate"; there is insufficient antecedent basis for each of these limitations in the claim.

Claim 2 in line 3 recites the limitation "the semicircular through-holed aperture neck"; and further in lines 5-7 recites "the elastomer shock absorber circular recessed retention cutout"; there is insufficient antecedent basis for each of these limitations in the claim.

Claim 4 in lines 2-3 recites the limitation "the lower constant rate compression elastomer bushing retention washer"; there is insufficient antecedent base for each of these limitations in the claim.

The examiner has listed only a representative example of claims recitations that are indefinite, and/or without proper antecedent basis in the claims. Applicant is required to carefully review the claims recitations to ensure that the limitations of the invention as claimed are recited

Art Unit: 3618

clearly, concisely, and unambiguously as required by 35 U.S.C. § 112, Second Paragraph, and further, are provided with unambiguous antecedent basis in the claims.

Appropriate correction is required.

Prior Art made of Record

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Kent, Gesmer et al., Stratton, Bryant, Yamada et al., Andersen et al, Solimine, and of Powell each show skateboard wheel truck mountings having some structures in common with structures of the inventive concept of the instant disclosure; the prior art of Barbieri teaches the art equivalence of metallic coil springs and elastomeric material shock absorber in the skateboard arts; Burczyk teaches the equivalence of piston-cylinder shock absorbers, elastomeric shock absorbers and metallic springs as shock cushions afor use in skateboard wheel suspensions.

Conclusion

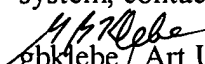
7. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

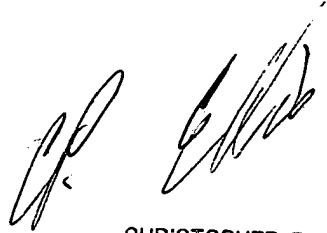
Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3618

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gbklebe / Art Unit 3618 / 29 September 2004


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